



Entered on Docket
May 18, 2009

Hon. Linda B. Riegle
United States Bankruptcy Judge

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[Proposed] Attorneys for Debtors and
Debtors in Possession

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

Case No.: BK-S-09-14814-LBR
(Jointly Administered)

¹ The Debtors in these cases, along with their case numbers are: Heritage Land Company, LLC (Case No. 09-14778); The Rhodes Companies, LLC (Case No. 09-14814); Tribes Holdings, LLC (Case No. 09-14817); Apache Framing, LLC (Case No. 09-14818); Geronimo Plumbing LLC (Case No. 09-14820); Gung-Ho Concrete LLC (Case No. 09-14822); Bravo, Inc. (Case No. 09-14825); Elkhorn Partners, A Nevada Limited Partnership (Case No. 09-14828); Six Feathers Holdings, LLC (Case No. 09-14833); Elkhorn Investments, Inc. (Case No. 09-14837); Jarupa, LLC (Case No. 09-14839); Rhodes Realty, Inc. (Case No. 09-14841); C & J Holdings, Inc. (Case No. 09-14843); Rhodes Ranch General Partnership (Case No. 09-14844); Rhodes Design and Development Corporation (Case No. 09-14846); Parcel 20, LLC (Case No. 09-14848); Tuscany Acquisitions IV, LLC (Case No. 09-14849); Tuscany Acquisitions III, LLC (Case No. 09-14850); Tuscany Acquisitions II, LLC (Case No. 09-14852); Tuscany Acquisitions, LLC (Case No. 09-14853); Rhodes Ranch Golf Country Club, LLC (Case No. 09-14854); Overflow, LP (Case No. 09-14856); Wallboard, LP (Case No. 09-14858); Jackknife, LP (Case No. 09-14860); Batcave, LP (Case No. 09-14861); Chalkline, LP (Case No. 09-14862); Glynda, LP (Case No. 09-14865); Tick, LP (Case No. 09-14866); Rhodes Arizona Properties, LLC (Case No. 09-14868); Rhodes Homes Arizona, L.L.C. (Case No. 09-14882); Tuscany Golf Country Club, LLC (Case No. 09-14884); and Pinnacle Grading, LLC (Case No. 09-14887).

THE RHODES COMPANIES, LLC, aka
"Rhodes Homes," et al.,¹

Chapter 11

Debtors.

Affects:

☒ All Debtors

☐ Affects the following Debtor(s)

Hearing Date: May 15, 2009

Hearing Time: 1:30 p.m.

Courtroom 1

**FINAL ORDER GRANTING DEBTORS' MOTION FOR AN ORDER UNDER
SECTION 366 OF THE BANKRUPTCY CODE (A) PROHIBITING UTILITY
PROVIDERS FROM ALTERING, REFUSING OR DISCONTINUING SERVICE, (B)
DEEMING UTILITIES ADEQUATELY ASSURED OF FUTURE PERFORMANCE,
AND (C) ESTABLISHING PROCEDURES FOR DETERMINING ADEQUATE
ASSURANCE OF PAYMENT [Re: Docket No. 11]**

This matter came before the Court on the *Motion of the Debtors for an Order Under Section 366 of the Bankruptcy Code (a) Prohibiting Utility Providers From Altering, Refusing or Discontinuing Service, (b) Deeming Utilities Adequately Assured of Future Performance, and (c) Establishing Procedures for Determining Adequate Assurance of Payment* (the "Motion") [Docket Number 11] filed by the above-captioned debtors and debtors in possession (the "Debtors"). On April 30, 2009, the Court entered an order granting the Motion, on an interim basis (the "Interim Order") [Docket Number 122], and scheduled a final hearing on the Motion for May 15, 2009 at 1:30 p.m. (the "Final Hearing"). The Court finds that the relief requested in the Motion is in the best interest of the Debtors, their estates and creditors and other parties in interest and that, in light of the record of the hearing on the Motion, the Utility Deposits² and the Procedures provided for by the Motion constitute adequate assurance of payment of the Utility Providers for their postpetition services. After due deliberation thereon and sufficient cause appearing therefor

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED on a final basis, as provided herein.
2. Nevada Power Company, d/b/a NV Energy, is not subject to the terms of this Order, but rather shall be governed by the terms of a separate Stipulation.

² Capitalized terms not otherwise defined herein have the meanings given to them in the Motion.


3. The procedures set forth in paragraphs 3 through 11 of the Interim Order are hereby approved on a final basis.

4. Nothing in this order shall be deemed to vacate or modify any other restrictions on the termination of service by a Utility Provider as provided by sections 362 and 365 of the Bankruptcy Code or other applicable law. Nothing herein or in the Motion shall constitute postpetition assumption or adoption of any agreement pursuant to section 365 of the Bankruptcy Code, nor shall anything herein be deemed a waiver by the Debtors or any other party of any rights with respect to the assumption or rejection of an executory contract.

5. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation of this Order.

APPROVED AS TO FORM AND CONTENT:
DATED this 15th day of May 2009.

By: /s/ Kirby C. Gruchow, Jr.
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Counsel for Nevada Power Company

By: 
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Submitted by:
DATED this 15th day of May 2009.

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